

DEC 10 2007

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

SUKHWINDER SINGH,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 06-70951

Agency No. A72-010-021

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

December 3, 2007**

Before: GOODWIN, WALLACE, and FISHER, Circuit Judges.

Sukhwinder Singh, a native and citizen of India, petitions for review of the Board of Immigration Appeals' ("BIA") order denying his motion to reopen his removal proceedings to apply for asylum and withholding of removal based on

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

changed circumstances arising in India. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion, *Lara-Torres v. Ashcroft*, 383 F.3d 968, 972 (9th Cir. 2004), *amended by* 404 F.3d 1105 (9th Cir. 2005), and we deny the petition for review.

The BIA did not abuse its discretion in denying Singh's motion to reopen in light of his previous material misrepresentations to the Department of Homeland Security, formerly the Immigration and Naturalization Service, and his unexplained delay in filing his motion to reopen. *See* 8 C.F.R. § 1003.2(a).

PETITION FOR REVIEW DENIED.